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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/662,230 | 09/14/2000 | Hideo Ando | 04329.2387 | 3095 |
| 22852 | 7590 | 08/07/2006 | EXAMINER | |
| FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413 | | | FLETCHER, JAMES A | |
| | | ART UNIT | PAPER NUMBER | |
| | | 2621 | | |

DATE MAILED: 08/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/662,230 | ANDO ET AL. | |
| | Examiner | Art Unit | |
| | James A. Fletcher | 2621 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 01 June 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 23 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>7/14/06</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

New Art Unit

1. Please include the new Art Unit 2621 in the caption or heading of any written or facsimile communication submitted after this Office Action because the examiner, who was assigned to Art Unit 2616, will be assigned to new Art Unit 2621. Your cooperation in this matter will assist in the timely processing of the submission and is appreciated by the Office.

Claim Objections

2. Claim 23 is objected to because of the following informalities: limitation 4 of the claim recites: "the audio information." There is insufficient antecedent basis for this limitation in the claim. The claim will be analyzed and discussed as though the claim were written: "the music information." Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 23 is rejected under 35 U.S.C. 102(b) as being anticipated by Parulski (5,555,098).

Regarding claim 23, Parulski discloses an apparatus for recording music information and still image information on an information storage medium, comprising:

- a management information reproduction section for reproducing management information for managing a manner of reproduction of the music information to search a plurality of representative images representing one or more pieces of music information, wherein the music information is configured to be associated with one or more said representative images (Col 2, line 66 – Col 3, line 6 “audio messages and images may be associated with each other. This is accomplished by means of a mapping arrangement, which may include a mapping table including addresses or IDs of pairs of associated images and audio messages or IDs of associated files stored in headers or presentation control files associated with the image and audio data files” and Col 5, lines 3-5 “The workstation 6 is also coupled to receive audio data from an audio data source shown as an audio tape deck 12. Prerecorded audio messages, including voice, music, sound effects, or a combination thereof, depending on the application, are made in a suitable recording studio”); and
- an information storage medium recording section configured to record on the information storage medium (Col 5, lines 10-11 “The controller 6 programs the digitized audio messages and images as audio and image data files on the disc 4”);
- information for specifying or designating a plurality of pieces of the still image information to represent contents of the reproduction sequence in which the still image information is to be displayed (Col 2, line 66 – Col 3, line 6 “audio messages and images may be associated with each other. This is

accomplished by means of a mapping arrangement, which may include a mapping table including addresses or IDs of pairs of associated images and audio messages or IDs of associated files stored in headers or presentation control files associated with the image and audio data files"),

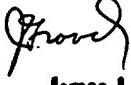
- wherein, the plurality of pieces of still image information include the plurality of representative images each representing a piece of the audio information and other still images capable of being associated with pieces of the audio information (Col 2, line 66 – Col 3, line 6 "audio messages and images may be associated with each other. This is accomplished by means of a mapping arrangement, which may include a mapping table including addresses or IDs of pairs of associated images and audio messages or IDs of associated files stored in headers or presentation control files associated with the image and audio data files"), and
- in a case where the still image information is configured to be displayed at the same time when the music information is reproduced in accordance with the reproduction sequence, a specific one of the pieces of the still image information configured to be displayed first is set as a representative still image of the contents of the reproduction sequence (Col 6, lines 43-46 "a user input 38 includes a plurality of push buttons corresponding with various images and associated audio messages).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Fletcher whose telephone number is (571) 272-7377. The examiner can normally be reached on 7:45-5:45 M-Th, first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JAF
27 July 2006


James J. Groody
Supervisory Patent Examiner
Art Unit 262-2621